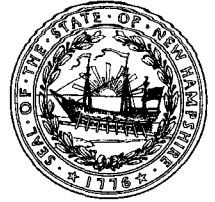




The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

**LETTER OF DEFICIENCY
WET 06-032**

April 14, 2006

Agnes Russell
334 Queen St
Boscawen, NH 03303

RE: DES Wetlands File #2003-02545, 334 Queen St, Boscawen

Dear Ms. Russell:

On March 21, 2006, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Boscawen Tax Map 81-B as Lot 24 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A and NH Code of Admin. Rules Wt 100-800.

During the inspection the following deficiencies were documented:

1. Approximately 100 linear feet of intermittent stream channel had been dredged.
2. The dredged stream channel had not been stabilized and is visibly eroding into the stream and downstream wetland.
3. A large amount of fill had been placed directly adjacent to the stream. The fill had not been stabilized and erosion rills had occurred. As a result, sediment deposition of approximately 50 linear feet had occurred in the stream.

In response, you are requested to take the following actions:

1. Within 30 days of receipt of this Letter of Deficiency, submit a restoration plan to DES for review and approval. Have the restoration plan prepared by a certified wetland scientist, and include provisions for immediately stabilizing the dredged channel and fill to prevent further water quality violations on the Property. Submit the following with the restoration plan:
 - a. A plan with dimensions, drawn to scale, showing existing conditions, with wetland boundaries;
 - b. A detailed description of the proposed means of erosion control (silt fence, hay bales, etc) and permanent vegetative stabilization of the restoration area;
 - c. A detailed description of the proposed planting plan for the stabilization and revegetation of the restoration area and control of invasive species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*);
 - d. A description of the proposed construction sequence and methods for accomplishing restoration and anticipated restoration compliance date. The restoration completion date shall not be later June 30, 2006.

e. A description of the method of documenting at least 75% survival of all vegetation planted during the restoration project. Restoration progress reports should include photo documentation and be submitted immediately following completion of the restoration activities to document the stabilization of the site and two additional progress reports to be submitted by September 30, 2006 or the end of the 2006 growing season and by June 30, 2007.

2. Retain a qualified wetland scientist to supervise the implementation of the restoration plan and to submit the restoration progress reports.
3. Implement the restoration plan only after receiving written approval and as conditioned by DES.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Dawn Buker, Wetlands Compliance Inspector
Wetlands Bureau
Department of Environmental Services
29 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact Dawn Buker at (603) 271-4066.

Sincerely,



Collis G. Adams, CWS
Administrator
Wetlands Bureau

CERTIFIED MAIL 7005 0390 0001 8434 2853

cc: Rene Pelletier, Asst. Director, Water Division
Gretchen R. Hamel, Administrator, DES Legal Unit
Boscawen Conservation Commission and Board of Selectmen
USACOE